

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMEL DALLUGE,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

C10-5077 RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
PLAINTIFF'S MOTION TO DISMISS

The Magistrate Judge recommends that Plaintiff's motion to dismiss his prisoner civil rights action be granted and Plaintiff's request to waive the unpaid filing fee be denied. Plaintiff has filed an objection to the Report and Recommendation regarding the waiver of the filing fee.

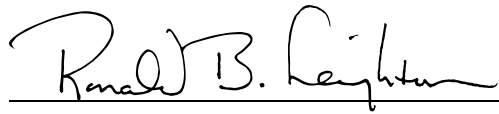
As noted in the Report and Recommendation, there is no statutory authority to waive the filing fee. Once a prisoner has been granted *in forma pauperis* status, 28 U.S.C. 1915(b)(1) states that a prisoner allowed to file *in forma pauperis* "shall be required to pay the full amount of the filing fee."

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, and the remaining record¹, does hereby find and ORDER:

¹ Plaintiff's additional motion(s) [Dkt. # 12] are DISMISSED as MOOT.

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's Motion to Dismiss is **GRANTED** pursuant to Fed. R. Civ. P. 41(a)(1). Plaintiff is a prisoner proceeding *in forma pauperis* and pursuant to 28 U.S.C. 1915(b)(1), he will have to pay the full filing fee.
- (3) The Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. J. Richard Creatura.

DATED this 19th day of April, 2010.

A handwritten signature in black ink, reading "Ronald B. Leighton", written over a horizontal line.

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE